THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.9997 OF 2006

Date: 31-07-2006

Between:

Goutham Model Schools, Secunderabad … Petitioner

and

The Government of Andhra Pradesh rep.
By its Secretary, School Education Dept
And others … Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.9997 OF 2006

O R D E R:

This writ petition is filed seeking directions in the nature of Writ of Mandamus to declare the action of the respondents in not verifying the application of the petitioner to establish a School in the name of "Goutham Model School" at Siddipet, Medak District as illegal and arbitrary.

It is the case of the petitioner that he has sought permission as required under the provisions of the Andhra Pradesh Education Act, 1982 (for short "the Act") and the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Managements) Rules, 1993 (for short "the Rules") to run a School at Siddipet in the name of Goutham Model School. Though he complied with all the required norms, his application has not been scrutinized by the respondents to take further action in the matter.

This Court, at the stage of admission, by order dated 30-05-2006, directed the respondents to dispose of the application submitted by the petitioner for grant of permission within a period of seven days from the date of the order. Learned counsel for the petitioner submits that in pursuance of the said interim order, the Regional Joint Director of School Education, Hyderabad, has issued proceedings in R.C.No.3011/A5/2006, dated 14-06-2006 pointing out certain omissions which are required to be complied with as per the provisions of the Act and the Rules made thereunder.

The following omissions were noticed by the competent authority.

1. F.D.R's not pledged in favour of the DEO, Medak Dist.
2. No-objection certificates from nearby schools not submitted
3. Fire extinguishers not provided.

It is submitted by learned counsel for the petitioner that subsequent to the proceedings, they had complied with objection Nos.1 and 3 and so far as no-objection certificate from nearby school is concerned, it is contended by him that there is no such Rule which requires no objection certificate from nearby school. The same is also not controverted by the learned Government Pleader appearing for the respondents.

As much as it is stated that other objections are complied with, I dispose of the writ petition directing the respondents to take further steps with regard to the proposal of the petitioner to establish the School as stated supra, without insisting for no-objection certificate from nearby school, if he has complied with all the omissions pointed out in the proceedings dated 14-06-2006, in accordance with the provisions of the Act and the Rules made thereunder. It is further made clear that the respondents shall also verify the compliance of all the required formalities by the petitioner for establishing the School as per the provisions of the Act and the Rules made thereunder. No order as to costs.

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(R.SUBHASH REDDY,J)

Dated 31st July, 2006

Note: Issue C.C in three days
(b/o)

vrn